



## Task Force on Trial Court Employees

### Meeting Minutes

November 15 and 16, 1998

Omni Hotel and Centre, Los Angeles, California

#### ***TASK FORCE MEMBERS:***

##### ***PRESENT:***

Hon. James A. Ardaiz, Chair  
Ms. Pamela Aguilar  
Marshal Barbara J. Bare  
Hon. Aviva K. Bobb  
Mr. Gary Cramer  
Hon. Charles D. Field  
Ms. Karleen A. George  
Ms. Mary Louise Lee  
Mr. Ronald G. Overholt  
Ms. Christine E. Patton  
Mr. Steve Perez  
Sheriff Charles Plummer  
Mr. John Sansone  
Mr. Larry Spikes  
Mr. Robert Straight  
Mr. Mike Vargas  
Mr. Robert D. Walton

##### ***ABSENT:***

Ms. Diane Givens

#### ***PRESENTERS:***

Mr. Sam Strafaci, Acting Vice Chancellor of Human Resources, California State University  
Ms. Cathy Robinson, Senior Director, Human Resources Administration, California State University  
Mr. David Gilb, Deputy Chief of Labor Relations, Department of Personnel Administration

#### ***ADMINISTRATIVE OFFICE OF THE COURTS STAFF:***

Ms. Judith A. Myers, Director, Human Resources Bureau  
Ms. Deborah Brown, Attorney, Council and Legal Services Division  
Ms. Tina Burkhardt, Court Services Analyst, Trial Court Services Division  
Ms. Noema Olivas, Secretary, Human Resources Bureau  
Ms. Hazel Ann Reimche, Human Resources Analyst, Human Resources Bureau  
Ms. Sharon Smith, Staff Analyst, Human Resources Bureau

#### ***OTHER STAFF:***

Mr. Peter Kutras, Jr., Deputy County Executive, County of Santa Clara

#### ***FACILITATOR:***

Ms. Liz Schiff, Organizational Development Specialist, Human Resources Bureau

**Sunday, November 15, 1998**

### **I. OPENING REMARKS**

Justice James A. Ardaiz, chair, called the meeting to order at 3:09 p.m. in Los Angeles and welcomed everyone to the sixth task force meeting. Justice Ardaiz described the

charge of the task force and the process being utilized for developing preliminary personnel system models. Justice Ardaiz indicated the task force is sensitive to the concerns of trial court employees regarding their future employment status. The task force is beginning to address the four employment status options of county, state, court and "other" as identified in the statute. Before an informed recommendation can be made concerning the status of court employees, the task force must discuss each of the options and identify the pros and cons. Justice Ardaiz reiterated that the legislature intends that no personnel employed in the court system shall have their salary or benefits reduced as a result of the Trial Court Funding Act. Justice Ardaiz indicated that this was also the intent of the task force.

## **II. PUBLIC COMMENT PERIOD**

Justice Ardaiz introduced the following guests during the public comment period:

- Ms. Diana Grace, President of the Los Angeles County Court Reporters' Association, representing the Service Employees International Union (SEIU), Local 660 and over 500 employees of the Los Angeles Superior Court, expressed concern about retaining employees' current status, benefits, retirement and collective bargaining rights.
- Ms. Sandra Stewart, Field Representative and Organizer, SEIU Local 660, explained that employees do not want any current rights or benefits taken away. Issues important to trial court employees include employment status, collective bargaining, and employment protection.
- Mr. Robert Gunn, Chairman of Los Angeles Municipal Court Reporters' Association, SEIU, Local 660, representing approximately 100 court reporters employed by Los Angeles Municipal Court, stated that court reporters want to maintain their current fringe benefit packages, health care and retirement benefits, and collective bargaining rights.

## **III. REVIEW: OCTOBER TASK FORCE MEETING AND ANNOUNCEMENTS**

Justice Ardaiz presented a summary of the highlights of the October 21-22, 1998 meeting, which included, in part, agreement on the Policy on Public Dissemination of Documents; educational information on the Trial Court Budget Commission and the Trial Court Model Classification Manual; agreement on the revised Classification and Compensation Assumptions; agreement on a revised Classification Model; agreement on a revised Salary Model; and a preliminary discussion on the Employment Protection System Model.

Ms. Liz Schiff reviewed the objectives and agenda of the meeting, ground rules, and the procedure for posting documents to the task force Web site. The objectives of the meeting were to:

- Review and reach agreement on the revised staff proposal for the employment protection approach;
- Provide an update on survey progress and reach agreement on outstanding issues;
- Provide educational information regarding the:
  1. California State University Personnel Structure;
  2. Collective Bargaining Process in the Executive Branch; and
- Identify issues related to collective bargaining and employment status options.

A discussion regarding posting documents to the Web site resulted in the task force agreeing that “DRAFT” should be placed at top and bottom of each document.

The task force discussed the Classification and Compensation Assumptions. Justice Ardaiz proposed that staff make modifications to clarify the assumptions and present a revised model at the December meeting.

Ms. Chris Patton moved to accept and post to the Web site the Working Classification Model, seconded by Ms. Mary Louise Lee. The Working Classification Model was adopted and approved by the task force for posting to the Web site.

Mr. Steve Perez moved to accept and post to the Web site the Working Salary Model, seconded by Ms. Pamela Aguilar. The Working Salary Model was adopted and approved by the task force for posting to the Web site.

Justice Ardaiz asked if there were any additions or corrections to the October meeting minutes. Mr. John Sansone moved to add the word, “force” to Attachment 1, paragraph B. Ms. Chris Patton moved that the October meeting minutes be accepted as corrected, seconded by Ms. Mary Louise Lee. The task force adopted the October 21-22, 1998 meeting minutes.

Ms. Judith Myers reviewed the 1999 proposed future task force meeting dates. Justice Ardaiz directed staff to reevaluate the dates and locations and attempt to better accommodate members’ schedules.

#### **IV. REVISED STAFF PROPOSAL FOR EMPLOYMENT PROTECTION APPROACH**

Ms. Deborah Brown reviewed the progression of the staff’s proposal for the Working Employment Protection System Model. Ms. Brown reviewed the three models that staff prepared and provided a more complete overview of the final proposed model, which includes a “cause” standard for termination of court employees. Ms. Brown also reviewed the corresponding procedural due process rights that would attach in such a

system. Under the proposed system, there are two types of due process that the court would be required to provide to employees in the event that the court intends to terminate an employee. First, before an employee is terminated, the court must provide certain procedural safeguards. These pre-deprivation due process rights are often referred to as “*Skelly* rights.” Pre-deprivation due process requires that the employee be advised in writing: 1) the nature of the proposed action; 2) the reasons therefore; 3) copies of any documents relied upon; and 4) an opportunity to respond either orally or in writing to the authority initially imposing the discipline. Second, in addition to these pre-deprivation due process rights, employees also are entitled to post-deprivation due process rights in the form of an evidentiary hearing, which may be given after the employee is terminated. The following elements are typical in a post-deprivation due process proceeding: 1) the hearing should be at a meaningful time before an impartial hearing officer/decision maker; 2) during the hearing, the employee has the right to present favorable evidence, confront and cross-examine adverse witnesses, and be represented by counsel; and 3) the hearing results in findings of fact and conclusions that incorporate the evidence.

## **V. DISCUSSION: EMPLOYMENT PROTECTION APPROACH**

The task force formed small groups, reviewed and discussed the revised proposed working model.

## **VI. CLOSING REMARKS**

Justice Ardaiz adjourned the meeting at 8:00 p.m.

**Monday, November 16, 1998**

### **I. PUBLIC COMMENT PERIOD**

Justice Ardaiz called the meeting to order at 8:05 a.m. and introduced the following guest during the public comment period:

- Ms. Janet Duval, Trial Court Administrator, Downey Municipal Court, expressed concern about local court management control, staying competitive with county salaries and benefits, and the ability of employees to retain current benefits.

### **II. OPENING REMARKS**

Ms. Schiff reviewed the agenda and objectives for the remainder of the meeting. Justice Ardaiz announced that a report back from the two small groups would take place in response to the staff proposal for a Working Employment Protection System Model.

### **III. DISCUSSION: EMPLOYMENT PROTECTION APPROACH**

After a report from each small group, Ms. Schiff facilitated a full-group discussion about the revised proposed Working Employment Protection System Model. The task force decided to review and evaluate the proposed model and submit written comments to staff by Monday, November 30, 1998.

### **IV. SURVEY PROGRESS AND UPDATE**

Ms. Myers updated the task force about the progress of the survey of trial court employees. The pre-pilot draft survey was sent to the Sutter, Alameda, and Los Angeles county courts to review and provide comments for improvement and increased clarity. After changes and editing are completed, a new version of the survey will be piloted in three different courts.

Comments received from the pre-pilot courts related to construction, length, complexity, organization, confidentiality, ambiguity of terms, time, resources, employee privacy, and county cooperation.

Ms. Myers announced several new developments. For individual employee information, the survey will request each court to assign a separate identification number to each employee not related to the social security number. The consultant will receive all individual employee data to protect privacy and ensure confidentiality. The collection of individual data is necessary for actuarial analysis and will be used for calculating the costs of any changes to retirement benefit programs. The Administrative Office of the Courts, the task force, and the public will only be privy to aggregate data, not individual employee information. Employee organizations will be asked to verify information relating to memoranda of understanding (MOUs) and aggregate employee information.

Pre-pilot comments were received about the Survey Definition of Court Employee. With the intent of providing clarification, Ms. Brown suggested minor modifications to the definition. The task force approved the changes to the Survey Definition of a Court Employee [Attachment 1]. A motion to adopt the modified Survey Definition of Court Employee was made by Sheriff Charles Plummer, and Deputy Marshal Barbara J. Bare seconded the motion. The task force adopted the definition, and it will appear on the task force Web site.

### **V. EDUCATION SESSION: CALIFORNIA STATE UNIVERSITY PERSONNEL STRUCTURE**

Mr. Sam Strafaci, Acting Vice Chancellor of Human Resources, California State University and Ms. Cathy Robinson, Senior Director of Human Resources, presented an

overview of the human resources administration program in the California State University system. The presentation discussed:

- Collective bargaining;
- Delegation of authority between campus and system;
- Salary Administration;
- Classification;
- Retirement;
- Benefits Program;
- Personnel Policy Administration;
- Employment Related Liability; and
- Budget Development and Administration.

## **VI. EDUCATIONAL SESSION: COLLECTIVE BARGAINING IN THE EXECUTIVE BRANCH**

Mr. David Gilb, Deputy Chief of Labor Relations, Department of Personnel Administration presented an overview of the state executive branch process for bargaining with their employees. Mr. Gilb described executive branch bargaining units, the scope of bargainable issues, and highlights from bargaining with the correctional officers' unit this year.

## **VII. DISCUSSION AND ISSUE IDENTIFICATION: COLLECTIVE BARGAINING**

The task force formed small groups to discuss collective bargaining in preparation for the December meeting. The issues raised by the small groups will assist in forming recommendations for a collective bargaining process for the trial courts.

## **VIII. CLOSING REMARKS**

Justice Ardaiz reviewed the following task force accomplishments achieved during the meeting:

- Revised the Classification and Compensation Assumptions;
- Adopted the Working Classification and Salary Models;
- Reviewed the revised Employment Protection Model and identified issues;
- Received educational information about the California State University system and collective bargaining process in the executive branch;
- Received an update about the survey and agreed to a revised Survey Definition of Court Employee; and
- Identified issues needing to be addressed in recommending a collective bargaining process.

Justice Ardaiz adjourned the meeting at 2:45 p.m.

Attachment